

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.153 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- Rohtas

Prem Chand Agrawal, Son of Late Rameshwar Prasad Agrawal, R/O Mohalla- Sonar Toli, P.S.- Sasaram (Town), Town- Sasaram, District- Rohtas

... .. Petitioner

Versus

- 1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna
- 2. The Director General of Police, Bihar, Patna
- 3. The District Magistrate, Rohtas at Sasaram, Bihar
- 4. The Superintendent of Police, Rohtas, at Dehri-On-Sone, Bihar
- 5. The Station House Officer Shiv Nagar, Police Station, Rohtas

Respondent 1st Set

- 6. Singhasan Paswan, Son of Late Subhag Paswan, R/O Village- Rampur Joi, P.S.- Shiv Shagar, District- Rohtas.
- 7. Satya Narayan Paswan, Son of Late Tengar Paswan, R/O Village- Rampur Joi, P.S.- Shiv Shagar, District- Rohtas.
- 8. Ashok Paswan, Son of Babulal Paswan, R/O Village- Rampur Joi, P.S.- Shiv Shagar, District- Rohtas.
- 9. Chandrika Paswan Son of Subhag Paswan, R/O Village- Rampur Joi, P.S.- Shiv Shagar, District- Rohtas.
- 10. Ram Chandra Paswan, Son of Narayan Paswan, R/O Village- Rampur Joi, P.S.- Shiv Shagar, District- Rohtas.
- 11. Bhola Paswan, Son of Butai Paswan, R/O Village- Rampur Joi, P.S.- Shiv Shagar, District- Rohtas.
- 12. Birendra Paswan, Son of Tengar Paswan, R/O Village- Rampur Joi, P.S.- Shiv Shagar, District- Rohtas.
- 13. Bhaiya Ram, Son of Sardar Paswan, R/O Village- Rampur Joi, P.S.- Shiv Shagar, District- Rohtas.
- 14. Dadan Paswan, Son of Sadhu Paswan, R/O Village- Rampur Joi, P.S.- Shiv Shagar, District- Rohtas.
- 15. Sajjan Paswan, Son of Late Dalsingar Paswan, R/O Village- Rampur Joi, P.S.- Shiv Shagar, District- Rohtas.

Respondents 2nd Set

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate
For the Respondent/s : Md. Iqbal Asif Niazi, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-01-2024 Heard learned counsel for the petitioner and the State.

2. The petitioner in the present case is seeking the following reliefs:-

- i. For directing the Respondents authorities to provide protection to the life and property of the petitioner which is in danger at the hands of private respondents who forcibly want to dispossess the petitioners by taking law in their own hand.
- ii. For direction to the respondents to provide security to the petitioner at the time of harvesting of paddy crops which is lying in the field of the petitioners for which he is ready to pay the suitable charge for providing Administrative help in accordance with law.
- iii. For grant of any other relief or reliefs as Your Lordships may deem fit and proper in view of the fact and circumstances of the present case.”

3. It the case of the petitioner that he is the owner of land bearing Khata No. 2, Plot No. 52, 53, 16, 46, 68, 127, 371, 373, 380, Khata No. 43, Plot No. 9, 372, 280 and Khata No. 47, Plot No. 17, 28, 281, 278, 37 measuring an area of 19 acres 76 decimals situated at Mauza Rampur Joi, P.S. No. 82, Police Station and Anchal Shivsagar within the District-Rohtas.

4. The petitioner claims that he is in peaceful possession of the property, his name has also been mutated in the Government records i.e. Register-II and in the Consolidation Records and accordingly, he is paying the rent receipts.

5. Learned counsel for the petitioner submits that the 2nd set respondents filed Title Suit No. 62 of 1993 in the Civil Court, Sasaram claiming their right, title and possession over the property in dispute but the said suit was dismissed and the dismissal of the suit has been affirmed by the learned Appellate Court. The 2nd set respondents also filed a proceeding under Section 145 CrPC but the same was decided in favour of the petitioner. A copy of the judgment of the Civil Court, Sasaram has been brought on the record as Annexure '3 Series'.

6. The grievance of the petitioner is that whenever he goes on his land for cultivation and harvesting, the 2nd set respondents are raising objection and they are creating law and order problem because of which the petitioner needs police protection.

7. Learned counsel for the petitioner submits that in our country, it is the State who acts as guardian of the citizens and in view of the principles of *parens patriae*, the State is obliged to protect the life, liberty and property of its citizens.

8. A counter affidavit has been filed on behalf of the State. While addressing the law and order issue, a statement has been made in paragraph '14' that the police is keeping vigil over the situation to maintain law and order. If any direction or order

is received, the police will act accordingly.

9. Having regard to the facts and circumstances of the case and without going into the merit of the claims of the petitioner, this Court directs the Superintendent of Police, Sasaram and the concerned Officer Incharge of the Police Station to provide adequate protection to the petitioner and in case it is found that a property which belongs to him is being tried to be forcibly possessed or in any manner the petitioner is being tried to be ousted from his property and a law and order problem is likely to arise from such act, the same will be duly addressed by adopting all such lawful measures which may be required.

10. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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